

1 **LEVI & KORSINSKY, LLP**
Adam M. Apton (SBN 316506)
2 Adam C. McCall (SBN 302130)
388 Market Street, Suite 1300
3 San Francisco, CA 94111
Tel: 415-373-1671
4 Fax: 415-484-1294

5 *Attorneys for Lead Plaintiff Arnold Keijzer and*
6 *Lead Counsel for the Class*

7 [Additional Counsel on Signature Page]
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10 **UNITED STATES DISTRICT COURT**
11 **NORTHERN DISTRICT OF CALIFORNIA**

12 IMMANUEL LAKE, Individually and on Behalf
13 of All Others Similarly Situated,

14 Plaintiff,

15 v.

16 ZOGENIX, INC., STEPHEN J. FARR, and
17 MICHAEL P. SMITH,

18 Defendants.
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Case No.: 19-cv-01975-RS

**STIPULATION AND ORDER OF
VOLUNTARY DISMISSAL UNDER
FRCP 41**

1 Lead Plaintiff Arnold Keijzer (“Plaintiff”) and defendants Zogenix, Inc., Stephen J. Farr
2 and Michael P. Smith (collectively, “Defendants”), and hereby stipulate as follows:

3 WHEREAS, this action was filed on April 12, 2019;

4 WHEREAS, pursuant to the Private Securities Litigation Reform Act, Arnold Keijzer was
5 appointed as Lead Plaintiff, and Levi & Korsinsky LLP was appointed as Lead Plaintiff’s
6 Counsel, on July 19, 2019 (Dkt. No. 38);

7 WHEREAS, Plaintiff filed the First Amended Complaint for Violations of the Federal
8 Securities Laws on September 10, 2019 (Dkt. No. 42);

9 WHEREAS, Defendants filed a Motion to Dismiss Plaintiff’s Amended Complaint on
10 October 4, 2019 (Dkt. No. 47);

11 WHEREAS, this Court entered an order Granting in Part and Denying in Part Requests for
12 Incorporation by Reference and Dismissing the Complaint with Leave to Amend by February 17,
13 2020 (Dkt. No. 57);

14 WHEREAS, Plaintiff wishes to dismiss this action pursuant to the terms of this
15 Stipulation;

16 WHEREAS, no class has been certified in this action, no compensation or consideration
17 has been or will be paid to Plaintiff, and no agreements or promises have been made other than
18 what is expressly reflected in this Stipulation;

19 THEREFORE, the parties hereby stipulate and respectfully request that:

- 20 1. Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), the Parties jointly
21 stipulate to the voluntary dismissal of the Action;
- 22 2. The Action shall be dismissed with prejudice as to Plaintiff;
- 23 3. The Action shall be dismissed without prejudice as to all other putative class
24 members;
- 25 4. Because the dismissal is with prejudice as to Plaintiff only, and not as to any
26 members of the putative class, notice of this dismissal is not required; and
- 27 5. Each Party shall be responsible for his, her or its own costs or fees associated with
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1 the Action.

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3 Dated: February 13, 2020

LEVI & KORSINSKY, LLP

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5 By: s/Adam M. Apton
Adam M. Apton

6 *Attorneys for Lead Plaintiff*
7 *Arnold Keijzer*

8 Dated: February 13, 2020

LATHAM & WATKINS, LLP.

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10 By: s/Colleen C. Smith
Colleen C. Smith

11 *Attorneys for Defendants Zogenix, Inc., Steven J.*
12 *Farr, and Michael P. Smith*

13 * * *

14 Pursuant to Civil Local Rule 5-1(i)(3), all signatories concur in the filing of this
15 stipulation.

16 Dated: February 13, 2020

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18 s/Adam M. Apton
Adam M. Apton

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21 PURSUANT TO STIPULATION, IT IS SO ORDERED:

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23 Dated: 2/13/2020

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25 The Honorable Richard Seeborg
26 United States District Judge
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